

Box No. VIII (ii) DECLARATION: ENTITLEMENT TO APPLY FOR AND BE GRANTED A PATENT

The declaration must conform to the standardized wording provided for in Section 212; see Notes to Boxes Nos. VIII, VIII (i) to (v) (in general) and the specific Notes to Box No. VIII (ii). If this Box is not used, this sheet should not be included in the request.

Declaration as to the applicant's entitlement, as at the international filing date, to apply for and be granted a patent (Rules 4.17(ii) and 51 bis.1(a)(ii), in a case where the declaration under Rule 4.17(iv) is not appropriate:

In relation to this international application,

Elixir Pharmaceuticals, Inc., is entitled to apply for and be granted a patent by virtue of the following:

an assignment from Bard J. Geesaman to Elixir Pharmaceuticals, Inc., dated May 17, 2004

This declaration is made for the purposes of all designations, except the designation of the United States of America.

☐ This declaration is continued on the following sheet, "Continuation of Box No. VIII (ii)".